

No. 23-10429-J

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UNITED STATES COURTS OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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IN RE: JOHN ANTHONY CASTRO,

*Petitioner*

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On Petition for a Writ of Mandamus to the United States  
District Court of Appeals for the Eleventh Circuit

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**FIRST AMENDED PETITION FOR WRIT OF MANDAMUS**

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## FIRST AMENDED PETITION FOR WRIT OF MANDAMUS

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### RELIEF SOUGHT

Pursuant to 28 U.S.C. § 1651 and Federal Rule of Appellate Procedure 21, John Anthony Castro respectfully petitions this Court to issue a Writ of Mandamus, in aid of its appellate jurisdiction, directing the United States District Court for the Southern District of Florida West Palm Beach Division to permit an experienced *pro se* litigant, John Anthony Castro, familiar with the federal judiciary's Case Management / Electronic Court Filing system ("CM/ECF") to be allowed to register and file electronically through CM/ECF in the now pending in the case: *John Anthony Castro, Plaintiff v. Donald J. Trump, Defendant, No. 23-80015-CIV-CANNON*.

### ISSUE PRESENTED

Does the United States District Court for the Southern District of Florida West Palm Beach Division's general prohibition against *pro se* litigants utilizing the court's CM/ECF system regardless of experience or knowledge of said system constitute an abridgment of *pro se* litigant John Anthony Castro's First Amendment right to efficiently petition the federal judiciary for redress of grievances as is permitted by other federal courts in the federal judiciary?

## STATEMENT OF FACTS

John Anthony Castro is a *pro se* litigant, holds two law degrees, one of which is from Georgetown Law, and is experienced with the federal CM/ECF system. Without access to the Court's CM/ECF system, John Anthony Castro is compelled to incur additional expenses for private couriers, postage, and air travel, which is far in excess than the charges he would happily incur for utilizing the CM/ECF system.

The United States District Court for the Southern District of Florida West Palm Beach Division has a general rule that non-staff court reporters and *pro se* parties are not permitted under any circumstances to register for electronic filing. Other courts in the federal judiciary permit *pro se* parties to register for electronic filing if they demonstrate knowledge and understanding of the system. There is no consistency among the federal courts on this issue.

This rule denying modern and convenient means to efficiently file with the Court substantially burdens John Anthony Castro by compelling him to incur additional time and expense to paper-file despite possessing the knowledge and skill to properly electronically file. This general court rule is not narrowly tailored to a compelling judicial interest and substantially burdens John Anthony Castro's ability to efficiently petition the federal judiciary to redress his grievances.

## **REASONS WHY THE WRIT SHOULD BE ISSUED**

Government action that burdens or interferes with the right to petition the government for redress of grievances are unconstitutional. General rules prohibiting *pro se* parties from participating in the CM/ECF system without exception and not narrowly tailored to the judicial interest in proper use of the CM/ECF system are unconstitutional.

The United States District Court for the Southern District of Florida West Palm Beach Division's general denial to *pro se* parties without exception is an unconstitutional abridgement of John Anthony Castro's right to efficiently petition the government for redress of grievances secured by the First Amendment to the United States Constitution.

## **CONCLUSION**

For the reasons and authorities stated herein, Castro petitions this Court to issue this Writ of Mandamus to compel the lower Court to permit John Anthony Castro to register and participate in their CM/ECF system so that he may efficiently litigate the now pending case in the United States District Court for the Southern District of Florida West Palm Beach Division, and grant Castro such other and further relief as the court deems proper.

Dated: February 14, 2023

Respectfully submitted,

By:   
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## CERTIFICATE OF COMPLIANCE

I hereby certify that this petition complies with the type volume limitation of Rule 21(d)(i) of the Federal Rules of Appellate Procedure. As measured by the word processing system used to prepare this petition, the petition contains 639 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B) (iii), and complies with the type style requirement of Fed. R. App. P. 32(a)(6), because it has been prepared in a 14 point proportionally spaced roman-style typeface (Times New Roman).

*/s/ John Anthony Castro*  
John Anthony Castro

## CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2023, a true and accurate copy of the foregoing First Amended Petition for a Writ of Mandamus with accompanying Exhibits (if any) was served via U.S. First Class Mail and email on the following:

Donald J. Trump  
1100 S. Ocean Blvd  
Palm Beach, Florida 33480

Judge Aileen M. Cannon, Paul G. Rogers Federal Building and U.S. Courthouse  
701 Clematis St., Rm 202  
West Palm Beach FL 33401

/s/ John Anthony Castro  
John Anthony Castro

**U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT (CIP)**

John Anthony Castro vs. Donald J. Trump Appeal No. 23-10429-J

11th Cir. R. 26.1-1(a) requires the appellant or petitioner to file a Certificate of Interested Persons and Corporate Disclosure Statement (CIP) with this court within 14 days after the date the case or appeal is docketed in this court, and to include a CIP within every motion, petition, brief, answer, response, and reply filed. Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court. **You may use this form to fulfill these requirements.** In alphabetical order, with one name per line, please list all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

*(please type or print legibly):*

Aileen M. Cannon, Judge for U.S. District Court Southern District of Florida (West Palm Beach)

Donald J. Trump, Defendant